



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/989,091

11/19/2001

James A. Fitch

42365-00790

9344

46670

7590

10/20/2006

TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

FOX, BRYAN J

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,091

Applicant(s)

FITCH ET AL.

Examiner

Bryan J. Fox

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/22/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

This Office Action will vacate the previous Office Action and restart the time period for reply.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 22, 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-27 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kauser et al (US005724660).

Regarding **claim 23**, Kauser et al disclose a mobile location module (MLM) to determine the specific location of a mobile telephone (see column 5, lines 23-32) that

Art Unit: 2617

uses the signal strengths of base stations received at the mobile (see column 6, lines 1-12) as well as GPS (see column 9, lines 19-29) for the location determination. The MLM receives the signal strength information (see column 6, lines 1-23) as well as the GPS information (see column 9, lines 19-29), which reads on the claimed, "receiving first location information from a first location finding equipment, wherein the first location information has first geographic location information," and, "receiving a second location information from a second location finding equipment, wherein the second location information has second geographic location information." The MLM uses the information from the signal strengths and GPS to determine the location (see column 11, line 43 – column 12, line 21 and figure 10). Kauser et al discloses an error component associated with the estimate of the mobile telephone using the signal strengths (see column 7, lines 48-65) and an error component associated with the GPS measurements (see column 9, line 53 – column 10, line 65), which reads on the claimed, "first uncertainty information in a first format," and, "second uncertainty information in a second format." The error for signal strengths is an error in the distance from a station, while the error in GPS is in latitude and longitude (see column 7, line 48 – column 8, line 19 and column 10, lines 29-65), which reads on the claimed, "the first format and the second format are different." Kauser also discloses an error associated with the combination of methods (see column 11, line 43 – column 12, line 21), which reads on the claimed, "converting at least one of the first uncertainty information or the second uncertainty information into a standard format; and using the first uncertainty information and the second uncertainty information to determine a reduced uncertainty

Art Unit: 2617

associated with a location of a wireless station.” The GPS measurements with the signal strength measurements in order to give a more accurate location area estimate (see column 3, lines 10-15), which reads on the claimed, “using the first uncertainty information format and the second uncertainty information to determine a reduced uncertainty associated with the location of the wireless station.”

Regarding **claim 24**, Kauser et al disclose the use of circular regions in determining the location (see figures 5-7), which reads on the claimed, “converting at least one of the first uncertainty information or the second uncertainty information includes converting at least one of the first uncertainty information or the second uncertainty information into at least one circular region.”

Regarding **claim 25**, Kauser et al disclose an error associated with the signal strength method and an error associated with the GPS method (see column 7, line 48 – column 8, line 19 and column 10, lines 29-65). Kauser also discloses an error associated with the combination of methods (see column 11, line 43 – column 12, line 21), which reads on the claimed, “converting at least one of the first uncertainty information or the second uncertainty information in the standard format includes converting both the first uncertainty information and the second uncertainty information into the standard format.”

Regarding **claim 26**, Kauser et al disclose that the system is for determining the location of a mobile telephone (see column 3, lines 46-67), which reads on the claimed, “the wireless station comprises a telephone.”

Regarding **claim 27**, Kauser et al disclose determining the geographic location i.e. longitude and latitude (see column 9, lines 5-39), which reads on the claimed, "the first location information and the second location information comprises geographic coordinate information."

Regarding **claim 36**, Kauser et al disclose the use of GPS (see column 9, lines 19-29), which reads on the claimed, "the first location finding equipment comprises GPS equipment."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauser et al in view of Tayloe et al (US005826188A).

Regarding **claim 28**, Kauser et al disclose a mobile location module (MLM) to determine the specific location of a mobile telephone (see column 5, lines 23-32) that

Art Unit: 2617

uses the signal strengths of base stations received at the mobile (see column 6, lines 1-12) as well as GPS (see column 9, lines 19-29) for the location determination. The MLM receives the signal strength information (see column 6, lines 1-23) as well as the GPS information (see column 9, lines 19-29), which reads on the claimed, "receiving, at the system, a first location input based on first location information provided by the second location source, wherein the first and second sources use different location finding technologies; storing data relating to the first location input and the second location input in a memory accessible by the system." The MSC can initiate a location function based on various criteria in the MLM (see column 5, lines 33-67). The MLM uses the information from the signal strengths and GPS to determine the location (see column 11, line 43 – column 12, line 21 and figure 10), which reads on the claimed, "obtaining the requested location information by selectively retrieving data from the memory based on the location request." The MLM then routes this information to the appropriate end user (see column 12, lines 22-35), which reads on the claimed, "outputting the requested location information to the wireless location application." Kauser et al fail to disclose an interface for receiving a location request, wherein the interface is capable of receiving a plurality of location requests from different applications in a plurality of different formats and is capable of converting the plurality of location requests into the standard.

In a similar field of endeavor, Tayloe et al disclose receiving requests in different network formats and converting them (see column 7, lines 54-65), which reads on the claimed, "the interface is capable of receiving a plurality of location requests from

different applications in a plurality of different formats and is capable of converting the plurality of location requests into the standard.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kauser et al with Tayloe et al to include the above ability to receive location requests in different formats in order to assist in inter-network handoffs as suggested by Tayloe et al (see column 2, lines 11-29).

Regarding **claim 29**, the combination of Kauser et al and Tayloe et al discloses the MLM uses the information from the signal strengths and GPS to determine the location (see Kauser et al column 11, line 43 – column 12, line 21 and figure 10).

Regarding **claim 30**, the combination of Kauser et al and Tayloe et al discloses the error for signal strengths is an error in the distance from a station, while the error in GPS is in latitude and longitude (see Kauser et al column 7, line 48 – column 8, line 19 and column 10, lines 29-65), and an error associated with the combination of methods (see Kauser et al column 11, line 43 – column 12, line 21), which reads on the claimed, “converting at least one of the first uncertainty information or the second uncertainty information into a standard format; and using the first uncertainty information and the second uncertainty information in the standard format to determine a location of a wireless station.”

Regarding **claim 31**, the combination of Kauser et al and Tayloe et al discloses using the GPS measurements with the signal strength measurements in order to give a more accurate location area estimate (see column 3, lines 10-15), which reads on the

claimed, "further calculating a reduced uncertainty based on the first uncertainty and the second uncertainty."

Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauser et al in view of Tayloe et al, as applied to claim 30 above, and further in view of Eizenhoefer (US005809424A).

Regarding **claim 32**, the combination of Kauser et al and Tayloe et al fails to expressly disclose that receiving the location request further comprises receiving at least one specification regarding a quality of said requested location information.

In a similar field of endeavor, Eizenhoefer discloses that a location request includes an information element indicating the level of accuracy of location finding requested (see column 12, lines 21-37).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kauser et al and Tayloe et al with Eizenhoefer to include the above indication of desired accuracy of a location in order to save system resources when the most accurate location is not needed.

Regarding **claim 33**, the combination of Kauser et al and Tayloe et al fails to disclose that obtaining said requested location information comprises obtaining location information conforming to the specification.

In a similar field of endeavor, Eizenhoefer discloses choosing the method of location finding, e.g., call area finding or single location finding, etc. determined by the accuracy level requested in the location request (see column 12, lines 21-37).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kauser et al and Tayloe et al with Eizenhoefer to include the above indication of desired accuracy of a location in order to save system resources when the most accurate location is not needed.

Regarding **claim 34**, the combination of Kauser et al and Tayloe et al fails to expressly disclose that the specification defines an allowable accuracy of the location information.

In a similar field of endeavor, Eizenhoefer discloses that a location request includes an information element indicating the level of accuracy of location finding requested (see column 12, lines 21-37).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kauser et al and Tayloe et al with Eizenhoefer to include the above indication of desired accuracy of a location in order to save system resources when the most accurate location is not needed.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kauser et al in view of Tayloe et al and Eizenhoefer as applied to claim 32 above, and further in view of Singer et al (US005485163A).

Regarding **claim 35**, the combination of Kauser et al, Tayloe et al and Eizenhoefer fails to expressly disclose the specification defines an allowable time parameter of the location information.

In a similar field of endeavor, Singer et al discloses that a request may include a request for tracking (see column 4, lines 33-47).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Kauser et al, Tayloe et al and Eizenhoefer to include the above ability to request tracking in order to provide the distance and direction of the mobile as well as the location as suggested by Singer et al (see column 4, lines 33-47).

Response to Arguments

Applicant's arguments filed March 22, 2006 have been fully considered but they are not persuasive.

The Applicant argues Kauser fails to disclose using uncertainties from different location finding equipment to determine a reduced uncertainty that is used for the location estimate. The Examiner respectfully disagrees. Kauser discloses using the uncertainty of the GPS and the MLM zone to determine a confidence level, which can be a high confidence level, for the location it returns (see column 11, line 43 – column 12, line 21).

The Applicant argues the combination of Kauser and Tayloe fails to disclose the conversion of a plurality of requests into a standard for requesting and providing requested location information. The Examiner respectfully disagrees. Tayloe discloses a request contains location information and is converted from the old network format to the new network formats (see column 7, lines 44-65), which reads on the claimed, "the

Art Unit: 2617

conversion of a plurality of requests into a standard for requesting and providing requested location information.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
May 29, 2006


ERIKA A. GARY
PRIMARY EXAMINER